

State of California
Court Reporters Board of California

2004
Sunset Review Report

Prepared for
California Legislature
Joint Committee on Boards, Commissions and Consumer Protection

The Court Reporters Board of California

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Julie Peak, CSR

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COURT REPORTERS BOARD OF CALIFORNIA

Sunset Review Report

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Sunset Review Report September 1, 2004

EXECUTIVE SUMMARY

For over fifty years, the Court Reporters Board of California the Certified Shorthand has been testing, licensing and regulating certified shorthand reporters (CSRs). There are approximately 8000 currently licensed CSRs in California. CSRs can practice as an “official” in the court system, or as a “freelance” reporter in a deposition.

The Board also has oversight for court reporting schools. The Board "recognizes" schools but has no statutory authority to license them. Only the 17 California schools recognized by the Board can certify students to qualify for the state exam.

Examination

The Board CSR examination consists of two written portions (English and Professional Practice) and a practical portion (dictation/transcription). The score required to pass the written exams varies according to a criterion referenced pass point setting; but has generally run in the 72% - 77% range, or answering 72-77 questions correctly on a 100 item multiple-choice test. The average pass rate for these exams is generally around 76%.

The dictation transcription exam consists of a 10 minute reading of court material by four readers, who read at a 200 word per minute level. The applicants take dictation from this reading by means of a machine that produces shorthand symbols. After this reading, the applicants review their shorthand notes and produce a hardcopy transcript. This (approximately) 11 page transcript is then graded from standardized grading criteria for correctness, grammar, spelling, etc. A 97.5% accuracy rate, as required by regulations is mandated to pass this portion of the exam. This equates to no more than a total error rate of 51+ for the entire 11 page transcript.

There are several pathways to qualify for the CSR exam. These pathways include: graduation from one of the 17 recognized California court reporting school, at least one year's work experience in the field, by obtaining a certificate from the National Court Reporters Association indicating passage of its Registered Professional Reporters exam, by having a valid certificate or license from another state that is recognized by the Board, or by having a passing grade on the California State Hearing Reporters Exam, administered through the State Personnel Board (no test has been given so there are no statistics to report from this qualifying pathway).

Exam Administration

Over the four-year period since the last Sunset Review, the Board administered 2,040 examinations. The exam used to be administered twice a year, but is now administered three times per year. Approximately 200 people sit for each exam session. Overall

passage rates for the exam have ranged between 19% and 37% per year over the past four years.

Pass Rate Analysis

During the last sunset review, the Joint Committee recommended that the Board analyze the pass rate among the different pathways of qualifying to sit for the state CSR exam to determine if the schools are adequately preparing students for the exam. The Board has performed this analysis based on a very limited set of statistical data. As an example, the next closest number of applicants is from the national exam, representing only 40 candidates in a four year period (over 10 exams). This limited volume of data makes it difficult for a statistically accurate comparison between the qualifying pathways.

The Department of Finance developed some analysis based on the historical pass rates and concluded that, among schools, certain schools have a higher pass rate than other schools; that students from private schools, on the whole, have higher pass rates than students from public schools, and that for schools with a high pass rate, if a person is going to pass the exam, the probability is high that they will pass on the first attempt.

Licensing

The initial license fee is \$50 or \$100 prorated according to the last day of the birth month of the applicant. Thereafter, the annual renewal fee on the licenses birth month is \$100.

Budget

The Board's average annual operating budget over the past four years has been approximately \$830,000. Of that, each year by statute, \$300,000 is assigned to the Transcript Reimbursement Fund, a fund designated to reimburse transcript costs incurred by the profession when representing indigent clients. 88% of the revenue is from licensing fees, with the remainder from examination fees. There is no revenue from the general fund.

The greatest expenditure for the Board is its enforcement program, which on average represents 41.5% of expenditures. The second highest expenditure is the examination at 28% of expenditures. The Board had increases in expenditures in two different fiscal years due to the cost of an Occupational Analysis and an Interagency Agreement to develop and audit schools of court reporting. In the 2003/04 FY, the Board agreed to loan the General Fund \$1.25M.

Complaints

Over the past four years, the Board has received, on average, 166 complaints per year against licensees. Complaints are mostly for failure to submit timely transcripts, or because there is a discrepancy between the transcript and the court proceedings. Most complaints are resolved by staff mediating the complaint with the complainant and the licensee. Few complaints are raised to the level of a formal investigation. A random survey of complainants conducted by the Board reflected an average satisfaction rate of 60% with the way their complaint was handled by the Board

Opportunities from Prior Review

The Board entered into a Memorandum of Understanding (MOU) with the Bureau for Private and Postsecondary Vocational Education (Bureau) to ensure that cross-jurisdictional issues were considered and addressed. The Board and the Bureau continue to interact and work cooperatively on areas such as school reviews and student complaints. In addition to the MOU, the Board entered into a contract with a school education consultant and the Department of Finance to develop school audit criteria and a review process. The Board is compiling action requests to the schools to ascertain that issues identified from these reviews are resolved.

Since the last review, the Board has also:

1. created and updated a website with applicant, exam, licensee, disciplinary and Board information, including the ability to download forms
2. produced a brochure outlining what every prospective student should consider when considering a school of court reporting and
3. recommended language for successful legislation to:
 - a) reduce the number of qualifiers needed to sit for the exam from two to one
 - b) eliminated an exam application requirement that all education/experience had to be within the five-years preceding the application
 - c) issue temporary licenses at the exam site
 - d) require all schools to have a signed student disclosure document on file.

New Studies

The Board conducted several studies and surveys as follows:

1. School Preparation Time Survey - to determine the average/mean length of time it takes to complete court reporter training
2. Dictation Exam Exit Survey - to collect information about how an applicant qualifies to take the exam, whether they feel adequately prepared; and their assessment of the exam
3. Voicewriting Study - to provide information to the Board on the ability of working reporters who use Voicewriting technology to make a verbatim transcript
4. Provisional Licensing Task Force - to identify methodologies to speed CSR licensure in California
5. Firm Licensing Study - to determine if a need existed to license court reporting firms
6. Occupational Licensing Study - to establish the validity and content of the Board's CSR licensing examinations
7. Post Dictation Exam Study – to identify and evaluate candidates' perceptions of the content and administration of the dictation exam
8. Post Written Exam Questionnaire – to identify and evaluate candidates concerns with the written test questions

The Board is looking forward to sharing this report with the Committee and the public. Protection of the public continues to be the highest priority for the Court Reporters Board of California.

Sunset Review Report PART 1.

COURT REPORTERS BOARD

BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

BACKGROUND AND DESCRIPTION OF THE BOARD AND PROFESSION

1.) Short Explanation of the History and Function of the Board.

Description and Responsibilities

The Court Reporters Board of California (Board) regulates the court reporting profession through testing, licensing, and disciplining court reporters, who use the title designation Certified Shorthand Reporter (CSR). By statute, the use of the acronym CSR is restricted to those individuals who have a Board-issued license. In California, a person must be licensed to work as a court reporter in state courts (official reporter) or to act as a deposition officer (freelance reporter). Freelance reporters can be hired as individual contractors or can be hired by Court Reporting firms. Codes governing deposition/freelance reporters can be found in the Code of Civil Procedure 2025, et al. As of June 30, 2004, there are 7,835 licensed certified shorthand reporters (CSR) in California.

The Board also has oversight for schools of Court Reporting. Although the Board “recognizes” schools, there is no statutory authority for licensure. Only court reporting schools recognized by the Board can certify students to qualify for the CSR examination. There are 17 schools of court reporting recognized by the Board - 10 public schools and 7 private schools. (Attachment I-A) There are no other schools authorized to certify students of court reporting for the CSR examination. Since the last Sunset Review, two schools have closed and one new one has opened. The Board can discipline schools up to and including removing recognition. The Board can also issue citations, and fine schools not in compliance with Board rules.

A Brief History

Established in 1951 by the Legislature to protect consumers from incompetent practitioners, the Certified Shorthand Reporters Board, now known as the Court Reporters Board of California, tests, licenses, investigates and disciplines members of the court reporting profession.

Until the 1960s the Board allowed only certified shorthand reporters to own and operate companies offering court reporting services. However, when no statutory authority supporting that prohibition could be found, the practice ceased, and in 1972, the Board began registering shorthand-reporting corporations. That process was rescinded by

Assembly Bill 2743 (Chapter 1289, Statutes of 1992) when the Board decided that the registration duplicated the filing required by the Secretary of State's Office, provided no additional benefit or consumer protection, and was an unnecessary expense for businesses. Also in 1972, the Board's authority was expanded to give the Board the ability to recognize court reporting schools and to set minimum curriculum standards for court reporting programs. Additional authorization to cite and fine schools was passed by the legislature in 2002. (B&P Code 8027.5)

In the past, the rates freelance reporters (those not employed by courts) could charge were set by statute. In a compromise package with the profession, the Legislature, in 1981, eliminated the rates regulation and created the Transcript Reimbursement Fund (TRF), a special fund paid for by a portion of the court reporters' licensing fees. The purpose of the TRF is to reimburse CSRs for transcripts produced for indigent litigants in civil cases. To create the TRF, licensing fees were initially increased from \$40 every two years to \$125 the first year, and \$60 the second year. Subsequently, the fees were increased to \$80 and then to an annual fee of \$100. Under the program, the Board has paid more than \$6 million from the fund. By law, the Transcript Reimbursement Fund must begin each fiscal year (July 1) with a minimum balance of \$300,000.

Prior to January 1, 1983, state courts had been allowed to use noncertified reporters if they could demonstrate that a certified reporter was not available. B&P Code Section 8016 now requires all state court reporters to be licensed as CSRs. Court reporters hired prior to 1983 can still maintain an exemption to the licensing requirement.

2.) Current Composition of the Board (Public vs. Professional) and listing of Board Members, who appointed by, when appointed, when terms expire, and whether vacancies exist and for how long.

Board Composition

The Board is composed of five members, two of whom are licensed CSRs and three of whom are public members. Any licensee who has been practicing for a minimum of five years is eligible to be appointed to the Board, but public members are prohibited from having had any involvement in the profession within five years preceding their appointment. The Governor appoints the two-licensed member and one public member. These three appointments require Senate confirmation. Of the two remaining public members, one is appointed by the Speaker of the Assembly and the second is appointed by the Senate Rules Committee. All serve four-year terms. The Governor's appointees may serve up to a 60-day grace period at the end of their term; the other appointments can serve up to a one-year grace period at the end of their term. There is a maximum of two consecutive terms for appointments. There is one vacancy on the Board.

Court Reporters Board of California			
Board Member Name	Appointed By	When Appointed	Term Expires
Ms. Julie Peak	Governor Davis	2001	June 1, 2005
Ms. Karen Gotelli	Senate Rules Committee Senator John Burton	2003	June 1, 2007
Mr. Gary Cramer	Governor Davis	2002	June 1, 2005
Dr. John Hisserich	Speaker of the Assembly Herb Wesson	2003	June 1, 2007
Vacant	Governor appointment		Vacant as of 6/1/2004

3.) Describe the Committees of the Board and their functions.

Education Subcommittee:

The Education Subcommittee of the State Board was created to address school oversight issues that arose during the Sunset Hearings of 1999-2000. The objective of this committee is, first and foremost, to proactively address the Board's Oversight Responsibility relative to its approval of private and public court reporting schools.

The Education Subcommittee is comprised of at-large enrolled students of court reporting schools, private and public court reporting school professionals, and new licensees. The subcommittee chair is Julie Peak and the vice-chair is John Hisserich. The composition of this committee is such that a cross-section of perspectives and expertise is available to resolve issues of concern. The majority of committee members live in Southern California, thus, the committee meetings are held there.

Legislative Subcommittee:

The Legislation Subcommittee of the State Board was created to ensure that the Board's positions on various legislative matters relative to court reporting is conveyed to the Legislature throughout the legislative process. The Legislation Subcommittee includes Board Chair Julie Peak, Board Member Gary Cramer, and Executive Officer David E. Brown. The Subcommittee is reviewing Board legislation needs for the current session.

Technology Subcommittee:

The Technology Subcommittee was established to review technology and to keep the Board abreast of issues related to technology used by court reporters, especially issues the Board should address in legislation, regulations, or Board policy. The Technology Subcommittee includes working court reporters and firm owners. The committee, at various times, might also include software manufacturers, vendors and members of the legal profession. The committee met in early 2003 to review technology in areas such as posting transcripts to the website, electronic signatures, and enhanced keyboarding technologies. Federal and state laws already address these issues. The committee did not make recommendations for new legislation during the current legislative session.

Community Outreach Subcommittee:

The Community Outreach Subcommittee was initially created to review and make recommendations to the Board relative to the industry discussions of a shortage of licensed reporters in California. The group's mission has since expanded to include opportunities for communicating Board policies, licensing requirements, and testing information to the industry, the public, and current or prospective students of court reporting.

The Subcommittee is comprised of professional associations, industry members, and Board members. The chair is Ned Branch, owner of Bryan School of Court Reporting. The vice chair is Board Member Karen Gotelli. The subcommittee has met to discuss:

- a) developing a model high school presentation to be used to describe the profession of court reporting at career days
- b) participating as career advisors for court reporters at the state wide Mock Trial/Moot Court competitions
- c) developing a press kit and fact sheet concerning the career of court reporting.
- d) Developing a joint private-state career video presentation.

4.) Who the Board Licenses, Titles, Regulates, etc. (Practice Act vs. Title Act)

- B&P 8018. *"Any natural person holding a valid certificate as a shorthand reporter, as provided in this chapter, shall be known as a "certified shorthand reporter." Except as provided in Section 8043, no other person, firm, or corporation may assume or use the title "certified shorthand reporter," or the abbreviation "C.S.R.," "..."*
- B&P Code 8015-8016. *"...No person shall engage in the practice of shorthand reporting as defined in this chapter, unless that person is the holder of a certificate in full force and effect issued by the board."*
- B&P 8017. *"The practice of shorthand reporting is defined as the making, by means of written symbols or abbreviations in shorthand or machine shorthand writing, of a verbatim record of any oral court proceeding, deposition, court ordered hearing or arbitration, or proceeding before any grand jury, referee, or court commissioner and the accurate transcription thereof..."*
- B&P 8027. *"As used in this section, "school" means a court reporter training program or an institution that provides a course of instruction approved by the board...The board may grant provisional recognition to a new court reporting school...Once granted, recognition may be withdrawn by the board for failure to comply with all applicable laws and regulations."*

5.) Any major changes to the Board since the last review. (Internal changes, strategic planning, regulatory changes or recent legislation, etc.)

Since the last Sunset Review, five new Board members have been appointed. One term expired in June of this year resulting in one vacancy on the Board. There was one additional reappointment of a member who was on the Board during the last review. A new Executive Officer, David E. Brown, was hired in late January 2002. An organizational chart is provided in Attachment I-B.
Significant Board activities and changes:

In 2002, the Board:

-
- a) Negotiated a Memorandum of Understanding with the Bureau for Private and Postsecondary Vocational Education (BPPVE) for cooperation of joint school oversight. (Attachment # 1-C)
 - b) Adopted regulations prohibiting deposition summaries. (CCR 2427)
 - c) Instituted a website with information pertinent to the Board and its mission and activities.
 - d) Produced and distributed a consumer brochure (Attachment # I-D).
 - e) Received authority to cite and fine court reporting schools (B&P Code 8027.5).
 - f) Participated in a statewide Reporting of the Record Task Force. The Judicial Council conducted a two-year task force consisting of judges, court administrators, court reporters, and attorneys. The task force was charged with evaluating and making recommendations to the Judicial Council regarding court reporting issues such as, but not limited to, uniformity of transcripts, training of court reporters, shortage of court reporters, etc. Two members of the Board participated in this task force.
 - g) Revised minimum curriculum hours for academics in court reporting schools. (CCR2411)
 - h) Introduced legislation that reduced the number of qualifiers needed to sit for the state exam from two to one. (B&P Code 8027(y))
 - i) Eliminated roadblocks to exam entrance requirements, to change the law and allow those whose qualifying requirements were five or more years old to sit for the state exam. (B&P Code 8020)

In 2003, the Board:

- a) Addressed education requirements for teachers and readers. (CCR2414)
- b) Removed the 45-day residency requirement to allow students to change schools. (CCR 2418.d)
- c) Clarified when timestamping can be used (printing time codes in transcript margins). (CCR 2473) (Attachment #I-E)
- d) Adopted a strategic plan. (Attachment #I-F)
- e) Conducted multiple subcommittee meetings for technology, education and outreach issues.
- f) Implemented a new school performance review in conjunction with the Department of Finance.
- g) Continued participation in statewide Reporting of the Record Task Force.

In 2004, the Board:

- a) Introduced legislation to:
 - Grant temporary licenses to applicants completing all three segments of the State licensing exam (pending - SB 1914, Figueroa)
 - Require schools to maintain a student disclosure statement for all registered students of court reporting (pending – SB 1914, Figueroa)
 - Require licensees to report all misdemeanor violations (pulled from an omnibus bill due to association concerns).
- b) Participated in two task forces:
 - Continued participation in statewide Reporting of the Record Task Force.
 - The second task force was comprised of a representative from each professional association. The task force met to consider methods to expedite the entry of out-of-state nonlicensed reporters into the California reporting field. The task force

-
- reviewed reciprocity for out-of-state reporters, early examination for students and temporary licensure.
- c) Conducted multiple criterion referenced standard-setting sessions for the written exams
 - d) Conducted multiple pre-test validations of the dictation portion of the exam
 - e) Developed and implemented a Dictation Exam Exit Survey
 - f) Continues to participate in educational outreach through maintaining an active presence in local high school career events and participating in professional association seminars, workshops and meetings.
 - g) Began the process of establishing a code of conduct for Court Reporters by conducting town hall meetings in Southern and Northern California.

6.) Any major studies conducted by the Board. [Please provide copy of any documents or reports produced by or under the direction of the Board.]

The Board has conducted several studies since the last Sunset Review as follows:

School Preparation Time Survey (Attachment # I-G) – The anonymous survey is sent to all first-time CSR exam candidates. The purpose of the survey is to determine the average and mean length of time it takes to complete court reporter training at California schools. The survey asks questions about the length of time spent in school, the amount of time spent on homework, the amount of time spent practicing on the shorthand machine, the frequency of qualifier exams given by the schools, and the students' success on those exams. The survey was first distributed for the July 2003 exam, and again for the Dec. 2003, the March 2004 and the August 2004 exams. Results are discussed in Part II of this report.

Dictation Examination Exit Survey (Attachment #I-H) – The anonymous survey is completed on a voluntary basis by examinees after the dictation portion of the exam. The purpose of the survey is to collect information about how, where and when applicants qualify to take the exam, whether they feel adequately prepared, and their assessment of the mechanics of the administration of the exam. The survey was first administered with the December 2003 exam. Results are discussed in Part II of this report.

Vocewriting Study (See Attachment # I-I) – The study was conducted to provide information to the Board on the ability of working reporters who use vocewriting technology to make a verbatim transcript. Vocewriting is the term used to identify court reporters who make a verbal record of proceedings. This is accomplished by the vocewriter repeating the spoken word of the court/hearing participants into a “mask” which then either records the information into an audio or digital recording, or converts the spoken words directly into text. The vocewriter then either takes the audio or text information and makes a printed transcript of the proceedings.

The study included background information from volunteer vocewriters, an evaluation of the vocewriter's ability to make an accurate transcript through the completion of the CSR dictation portion of the exam, and the comparison of those results to working shorthand machine reporters from out-of-state. The results are discussed in Part II of this report.

Provisional Licensing Task Force (Attachment #I-J) – A task force was established in 2003 consisting of representatives of the various court reporter associations and the Board's Executive Officer. The purpose of the group was to identify methodologies to speed CSR licensure in California.

The ideas generated were grouped under four main categories:

- Provisional licensing for out-of-state working court reporters;
- Provisional licensing for out-of-state working court reporters who maintain the Registered Professional Reporter (RPR) national certificate;
- Students' ability to take the CSR written portion of the exam after successful completion of school academic curriculum;
- Temporary licensing issued at the exam site, under specific conditions.

The group also suggested other strategies to assist the Board including the formation of a student advisory group, a Frequently-Asked-Questions page on the Board website and a toll-free number for student concerns.

The ideas generated by the group were reviewed by the Board at the December 2003 meeting. The Board adopted language to issue temporary licenses (SB 1914, Figueroa, 2004, to enrollment 8/26/04). The additional concepts will be addressed at upcoming Board meetings.

Firm Licensure Study (Attachment #I-K) – AB 2808 (Papan) initially was written to require the Board to license shorthand reporting firms. The bill was amended to require the Board to complete a study to determine if a need existed to license firms. This bill authorized the Board to examine, evaluate and investigate complaints against shorthand reporting firms through July 2002. Insufficient information was gathered to produce any data so SB 1244 was enacted to extend the survey through January 2004. Several outreach efforts were mobilized to notify the consumer public of the ability of the Board to accept complaints about court reporting firms. Again, very few complaints were received as a result of this outreach effort. Of the complaints received, the overwhelming majority were related to nonregulated business practices such as failing to pay a reporter for services rendered. The survey period did not produce any significant findings that would support additional regulatory action at this time.

Examination Validation Report (Attachment # I-L) – The report was completed by the Department's Office of Examination Resources (OER) in March 2003 and updated in December 2003. The report establishes the validity of the Board's CSR licensing examination through the development and implementation of an Occupational Analysis (OA). The study updates and defines the scope of practice and the knowledge, skills and abilities (ksa) used by licensees. The Board has implemented a portion of the Occupational Analysis, and has submitted a Budget Change Proposal (BCP) to request funding to implement the new changes identified in the report.

7.) Licensing Data [Table below]. What information does the Board provide regarding the licensee (i.e., education completed, awards, certificates, certification, specialty areas, etc.)?

As of June 30, 2004, there are 7,835 currently licensed CSRs in California, FY 2002/03. The license is valid for one year, expiring on the last day of the birth month of the licensee. There is a 30-day grace period for license renewal before a delinquent fee of \$50 is assessed. After the grace period a licensee may not practice until the license is renewed. Licensees who do not renew within three years must complete all of the requirements for licensure that are in effect at the time of application. The Board's website includes a license look-up feature that identifies the status of the licensee (clear, delinquent, disciplinary action). This includes the address of record for the licensee. The website also lists citations and fines issued and/or paid.

Licensing data for the past four years

LICENSING DATA FOR [PROFESSION]	FY 2000/01	FY 2001/02	FY 2002/03	FY 2003/04
Total Number Licensed	7,912	7,932	7,907	7,835
Applications Received	156	181	103	110
Applications Denied	0	0	0	0
Licenses Issued	156	181	103	110
Renewals Issued	7,912	7,932	7,907	7,835
Statement of Issues Filed	2	3	1	1
Statement of Issues Withdrawn	0	0	0	0
Licenses Denied	0	0	0	0

BUDGET AND STAFF

Current Fee Schedule and Range

8.) Discuss which fees are main source of revenues, when renewal is required, date of last fee(s) adjustment, and if any plans to increase fees and for what reasons. List all fees.

The Board is completely funded by examination and licensing fees collected from applicants and licensees. The Board receives no federal funding and no revenue from the State's General Fund. License renewal is the Board's largest source of revenue, accounting for approximately 88% of the operating fund. The remaining 12% is received from examination fees.

In 1981, the profession initiated legislation that created the Transcript Reimbursement Fund (TRF) to fund court transcripts for indigent plaintiffs (See # 12). By law, a minimum of \$300,000 of the Board's total revenue must go to the TRF each July 1. To create this fund, licensing fees were increased from \$40 every two years to \$125 the first year, and \$60 the second year. Subsequently, annual renewal fees were increased to \$80 and then to \$100, in effect since before 1997. The Board has no plans to increase licensing fees at this time.

The Board's current fee schedule is as follows:

Fee Schedule	Current Fee	Statutory Limit
Application Fee	\$40.00	\$40.00
Exam Fee	0	75.00*
Admin. Fee	NA	NA
Original License Fee	50.00/100.00**	125.00
Annual Renewal Fee	100.00	125.00

*The Board, currently, has regulatory authority to charge up to \$75 each for examinations.

**The initial license fee is \$50 or \$100, prorated based on the new licensee's birth date. The annual license renewal fee is \$100; the fee is due the last day of the licensee's birth month.

Revenue and Expenditure History**9.) Provide brief overview of revenues and expenditures.**

Expenditure categories include examination, licensing, enforcement and TRF costs.

Comparison of Revenues and Expenditures: [See Table Below]**OPERATING BUDGET**

REVENUES	ACTUAL				PROJECTED	
	2000-01	2001-02	2002-03	2003-04	(as budgeted) 2004-05	(estimated) 2005-06
Licensing Fees	830,010	837,370	827,232	826,238	829,500	829,500
Fines & Penalties¹	8,390	14,500	13,540	5,250	225	225
Other²	-142,977	-178,765	-77,300	-1,427,040	-279,000	-279,000
Interest³	97,098	57,375	36,448	21,432	11,918	10,631
TOTALS	792,521	730,480	799,920	-574,120	562,643	561,356

EXPENDITURES	2000-01	2001-02	2002-03	2003-04	(as budgeted) 2004-05	(estimated) 2005-06
Personnel Services	341,502	277,376	292,310	313,012	276,592	281,969
Operating Expenses	374,566	396,711	374,209	315,869	368,408	375,571
(-) Reimbursements	-16,434	-9,074	-12,080	-8,800	-18,000	-18,000
(-) Distributed Costs	N/A	N/A	N/A	N/A	N/A	N/A
TOTALS	699,634	665,013	654,439	620,081	627,000	639,540⁴

- 1) Fines and penalties are a projected amount based on 2001 projections. Actual amounts have been higher as noted.
- 2) FY 2000/01 includes Malibu transfer of \$35,868, transfer to Transcript Reimbursement Fund (TRF) from Court Reporters Fund (CRF) of \$200,000, and miscellaneous revenue of \$21,155. (The "Malibu" reference is to the settlement of the Malibu/Abramovitz lawsuit. During the 1991/92 budget year, the state of California transferred special fund money to the General Fund to assist with the General Fund budget deficit. A number of parties, including Malibu Video Systems and Stanley Auerbach, sued the state for return of the money to the special funds from which they came, along with accrued interest. The Cases were consolidated into Malibu. On February 14, 1996, the Superior Court of the State of California provided a settlement of the lawsuit by ordering repayment of the full principal and accrued interest, with three transfers occurring during FYs 1996/97 (\$35,728), 1998/99 (\$112,269), and 2000/01 (\$35,868).
 - FY 2001/02 includes transfer to TRF from CRB of \$200,000 and miscellaneous revenue of \$21,235.
 - FY 2002/03 includes transfer to TRF from CRB of \$100,000 and miscellaneous revenue of \$22,700.
 - FY 2003/04 includes transfer (loan) to the General Fund of \$1,250,000, transfer to TRF of \$200,000, and miscellaneous revenue of \$22,960.
 - FY 2004/05 and 2005/06 includes transfer to TRF of \$300,000, and miscellaneous revenue of \$21,000.
- 3) Interest for FY 2004/05 and FY 2005/06 estimated at two percent.
- 4) Expenditures for FY 2005/06 include a two-percent increase over FY 2004/05 expenditures.

Expenditures by Program Component**10.) Discuss the amounts and percentages of expenditures made by program components. [See Table Below]**

The expenditures by program component were not tracked prior to 2002/03. The difference in expenditure amounts between the two years is due to:

Enforcement – 2003/04, decreased cost due to elimination of one-time contract with Dept of Finance in 2002/03 for development/administration of School Performance Review.

Examination – 2003/04, reduction of cost due to contracting with a new hotel vendor for the space for the Board examination.

Licensing – 2003/04, increased line cost due to addition of staff person to assist in development of licensing surveys/studies.

Administrative – 2003/04, elimination of paid staff overtime and temporary help

EXPENDITURES BY PROGRAM COMPONENT	2000-01	2001-02	2002-03	2003-04	Average % Spent by Program
Enforcement	\$293,535	\$283,062	\$287,027	\$251,528	41.5%
Examination	\$207,622	\$188,708	\$197,455	\$165,003	28.0%
Licensing	\$128,869	\$ 94,354	\$ 82,757	\$126,847	16.0%
Administrative *	\$ 85,912	\$107,834	\$ 99,150	\$ 85,374	14.5%
Diversion (if applicable)	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
TOTALS	\$715,938	\$673,958	\$666,389	\$628,752	

* Includes workload costs associated with the Transcript Reimbursement Fund

11.) Discuss reserve level, spending trends, and if a mandated statutory reserve level exists. Also whether deficit may occur and whether fee increase or reductions is appropriate.

The “MONTHS IN RESERVE” row reflects that the Board's reserves dipped sharply by fiscal year 2003-04. This was due to a loan of \$1.25M from the Board to the State's General Fund. This loan was granted based on the ability of the State to pay it back at the point it is needed by the Board. It is predicted that this reserve will be at the lowest level by the 2007/08 fiscal year, requiring a review of the reserve at that time. There is no statutory mandatory reserve level for the Board.

Regarding the “Total Expenditures” row, in fiscal year 2002-03 the Board paid for a one-time contract with the Department of Finance to develop a school performance review program. In fiscal year 2005/06, the Board is expecting to receive authorization for additional exam development to fully implement its new Occupational Analysis.

There is no anticipated deficit; but the reserve level needs to be monitored to ensure that minimum levels (approximately three months) are maintained. The Board has current regulatory authority to charge for all three examinations (not used) and to raise examination fees to a higher level. It is not expected at this time that fees will be increased.

ANALYSIS OF FUND CONDITION	FY 02-03¹	FY 03-04¹	FY 04-05 (Budget Yr)	FY 05-06 (Projected)	FY 06-07 (Projected)	FY 07-08 (Projected)
Total Reserves, July 1	1,614,129	1,790,085	595,884	531,527	453,343	360,804
Total Rev. & Transfers	799,920	-574,120	562,643	561,356	559,792	557,941
Total Resources	2,414,049	1,215,965	1,158,527	1,092,883	1,013,135	918,745
Total Expenditures	654,439	620,081	627,000	639,540	652,331	665,378
Reserve, June 30	1,759,610	595,884	531,527	453,343	360,804	253,367
MONTHS IN RESERVE	34.0	11.4	10.2	8.5	6.5	4.6

1. Actual end of year totals. Total Reserves, July 1 figure includes prior year adjustments of \$30,475.

12.) The Transcript Reimbursement Fund (TRF)

The Transcript Reimbursement Fund (TRF) (B&P Code sections 8030.2. through 8030.8) was established by the Legislature in 1981 and is funded by annual license renewal fees. The purpose of the TRF is to provide transcript reimbursement costs in those instances where an indigent litigant needs a copy of a transcript. Essentially, the criteria to qualify for reimbursement are:

- The litigant must be indigent and must be represented by legal counsel.
- The applicant must be a qualified legal services project, qualified support center, or other qualified project
- The case cannot be fee-generating.
- The applicant must certify to refund the full amount of all reimbursements from the TRF from any award of court costs or attorney fees.
- The TRF provides reimbursement for costs as outlined in B&P Code 8030.6

Transcript Reimbursement Fund

	2000/2001	2001/2002	2002-2003	2003-2004
# Requests for reimbursement received	442	549	294	434
# Requests approved	408	522	273	408
# Requests denied	34	27	21	26
Amt. of funds disbursed	\$199,351.31	\$271,029.60	\$146,649.22	\$204,220.22
Amt. of funds recovered by judicial award of costs	\$ 40,634.24	\$ 20,737.53	\$ 59,223.93	\$ 32,529.60

LICENSURE REQUIREMENTS

Education, Experience and Examination Requirements

13.) Discuss education, experience and examination requirements for all licensure categories, which the board regulates.

California has one license category for court reporters, Certified Shorthand Reporter (CSR).

The primary objective of licensing court reporters is to ensure that consumers receive accurate, timely, competent service from court reporters who, through examination, have demonstrated at least a minimum level of competency.

All persons desiring to practice as a CSR in the State of California (Section 8017, Business & Professions Code) must possess a valid license issued by the Court Reporters Board. Licensure is attained by passing all parts of a three part examination (CCR Title 16, Section 2420). Part I is a written multiple choice exam that tests knowledge of the English language. Part II, is a written multiple choice exam titled Professional Practice that tests knowledge of legal and medical terminology, as well as knowledge of the law. Part III is a practical demonstration of dictation and transcription skills that consists of dictated material read for 10 minutes at 200 wpm, followed by a (typing) production of a hardcopy transcript.

Applicants must qualify to sit for the exam through one of five methods.

- A. One year of experience (a minimum of 1400 hours) in making verbatim records of depositions, arbitrations, hearings, or judicial or related proceedings by means of written symbols or abbreviations in shorthand or machine shorthand writing and transcribing these records.
- B. A verified certificate of satisfactory completion of a prescribed course of study in a recognized court reporting school or a certificate from the school that evidences an equivalent proficiency and the ability to make a verbatim record of material dictated in accordance with regulations adopted by the Board contained in Title 16 of the California Code of Regulations.
- C. A certificate from the National Court Reporters Association demonstrating proficiency in machine shorthand reporting.
- D. A passing grade on the California state hearing reporter's examination.
- E. A valid certified shorthand reporters certificate or license to practice shorthand reporting issued by a state other than California whose requirements and licensing examination are substantially the same as those in California.

Most applicants, 86%, qualify to take the CSR exam by completing a training program through a recognized California court reporting school. If qualifying through a court reporter school program, the applicant must also have passed one qualifier (speed) exam. (In response to prior Sunset Review recommendations, the Board successfully sponsored legislation in 2002 to reduce from two to one the number of qualifier exams required (B&P Code 8027(y)).

Persons applying for the first time must complete an Application for Examination (Form 41A-1) (Attachment # I-M) and submit it to the Board together with the required qualifying documents and the fee indicated on the face of the application. Persons applying for re-examination do not need to re-qualify, but must complete and submit an Application for Reexamination (Form 41A-4) (Attachment # I-N) together with the fee indicated on the face of the application. Applicants are required to provide two passport-style photographs with their applications. Applicants are required to show their Final Notice of Examination with a passport-type photo attached and an "approved" photo identification in order to be admitted into the examination.

A variety of basic information is required from exam applicants as indicated on the application form submitted including the nature and length of any work experience that can be used to establish the minimum one year (1400 hours) of qualifying work experience. Level and location of educational background is also requested as is information regarding court reporting certificates from other organizations or states, and any criminal convictions. Supporting documentation via copies of certificates is required and work experience must be verified on the official letterhead of the employer.

Applicants have three years to pass all three parts of the exam before they are required to take the entire exam again. They may take or retake the failed portions up to three times per year. During the three-year period, they are required to take only the previously failed portions of the exam. The Executive Officer has the delegated authority to extend the three-year pass requirement for up to one additional year for good cause.

Examinees who have passed all parts of the examination are eligible for licensure. Actual licensure is attained by submitting the statutorily-required fee and the forms provided by the Board.

Examinations are conducted three times each year in California. Approximately 200 applicants take the exam each time.

14.) What does the Board do to verify information provided by the applicant regarding education and experience? What process is used to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant?

As applications are received, the exam/licensing coordinator reviews them to make certain they are complete, that the fee is included, and that the applicant meets one of the five exam qualification methods.

To ensure information provided by applicants regarding their education is accurate, the Board requires a certificate of satisfactory completion of a prescribed course of study from a California recognized court reporting school, or certification from such school evidencing equivalent proficiency, and the ability to make a verbatim record of material dictated, in accordance with regulations adopted by the Board in Title 16 of the CCR. If the candidate qualifies through experience, a letter from an employer on their business letterhead, signed by the official in charge, is required. The experience is verified by the exam/licensing coordinator calling the employer.

For freelance reporters or those who have their own business, three letters from clients for whom they have worked are required. The letters must list the date of employment and contain other specified information. In addition, job worksheets documenting at least 1400 hours are required.

Those who qualify through a National Court Reporter Association (NCRA) Registered Professional Reporter (RPR) Certificate must submit the certificate with their exam application.

Those qualifying through the California State Hearing Reporters Exam must submit a copy of their pass letter from the State Personnel Board. The Personnel Board has not given this examination in several years; so there is no statistical data for this qualifying group.

If an applicant uses an out-of-state license to qualify for the California CSR exam, the exam/licensing coordinator calls the state agency that issued the license to verify the issue date, license validity, and whether there has ever been any disciplinary action against the individual. If a conviction has occurred out of state, the applicant is required to provide copies of court documents indicating the offense, the sentence and whether the terms have been met. Falsifying an application for licensure examination is grounds for denial, suspension or revocation of a license in accordance with sections 475, 480 and 8025 of the B&P Code.

Regarding criminal history, applicants receive an application packet including a fingerprint card. They must go to a local police station or other fingerprinting agency and be fingerprinted. Their prints are forwarded to the Department of Justice, where they are checked, and the results are sent to the Board.

If there is missing information, the application is incomplete, the applicant appears to have failed to meet the qualification requirements or there is a criminal issue, the application is referred to the Executive Officer for review and action.

15.) Discuss passage rates for all examinations, whether there is legitimate justification for all exams, whether exams have had an occupational analysis performed and been validated and when, and the date of the next scheduled occupational analysis for each exam.

The Court Reporters Board of California (Board) conducts one examination, the CSR Exam, with two written portions and one practical portion. The written portions are: a 100-item multiple choice exam of Professional Practice that includes medical terminology and legal terminology, ethics, and code requirements; and a 100-item multiple choice exam of English that tests for a minimum competency level in grammar, spelling and punctuation.

The practical examination (dictation transcription portion) consists of a 10-minute exercise. Four readers sit in front of the examinees replicating a courtroom situation and dictate from an actual proceeding. They read at a speed of 200 words per minute, while examinees take notes on a shorthand machine. The examinees then go to a separate room

and have three hours to transcribe their notes. They are graded on the transcribed notes that are submitted.

The Board is required to publish pass rates for first-time examinees. (B&P Code 8027(i)). In addition to the required first-time pass rates, the Board publishes pass rates of all who take each exam. It would not be accurate to use the pass rate of "all" examinees for reporting purposes because, in many instances, those rates reflect re-takes by one individual, not the actual number of "individuals" who passed or did not pass the exam. It is unknown how many times a specific candidate re-takes any portion of the examination. For general information, the table in Attachment II B shows pass rates for "all" examinees in each category over the past four years.

As a result of the last Sunset Review recommendations, each Board administration of the written portion of the exam includes a session of licensed court reporters who determine the passpoint. This criterion-referenced passpoint setting is outlined in more detail in Attachment I-O. The pass rate for both written examination portions is consistent for the period reported.

The pass rate of the dictation portion of the exam has continued to be below 50 percent. The Board has instituted a number of measures to ensure that all dictation examinations are developed and administered consistently from one exam administration to another.

First-Time Pass Rate for CSR Exam

[CERTIFIED SHORTHAND REPORTER]				
	2000/01	2001/02	2002/03	2003/04
CANDIDATES	136	156	126	121
PASS %	19%	37%	30%	28%
NOTE: First-time pass rate for all three portions of the exam				

First-time pass rates for each portion of Board exam*

Exam	2000/2001	2001/2002	2002/2003	2003/2004
English	Not available This breakdown began being tracked in November 2002.		83.5%	71.9%
Professional Practice			79.0%	69.4%
Dictation			30.7%	35.5%

Additional validation procedures introduced into the dictation portion of the exam since the last Sunset Review include:

-
- a) Transcripts from actual proceedings are used and modified to current Board standards for syllabic count, speaker interruption, and speed of spoken material.
 - b) Each dictation portion of the exam is pre-tested by new licensees and experienced reporters; results are incorporated into the final exercise, i.e., difficulty of key stroking, word usage, etc.
 - c) The test transcript is reviewed by an expert licensee for English standards in grammar, spelling, and punctuation.
 - d) At each group administration of the exam (typically 4-5 groups of 45 people each), the exam room is pretested by the readers for sound clarity.
 - e) At these test sites, applicants are allowed to physically move their chairs to ensure visibility of the speakers.
 - f) Each administration is recorded in the event that failed candidates appeal their exam results.
 - g) The readers explain the process to the students and do a “warm-up” of the material to help relax the candidates before the exam.
 - h) Each reader dictating the material utilizes a light "bar" that flashes only to him or her at the 200 wpm level so they can maintain the correct speed of dictation.
 - i) A staff person follows along (silently) in the back of the room and makes notations on the official transcript if words are dropped or read as unclear.
 - j) School personnel are invited at the end of the test session to sit through the dictation process just completed by the students. This provides the schools an opportunity to verify that the test validation procedures have been followed and that the administration of the exam is consistent with the Boards’ practices.
 - k) An anonymous dictation exam exit survey is requested of examinees at the completion of the dictation portion of the exam.
 - l) In fiscal year 2003/04, the Board conducted an experiment to determine if the dictation test validation procedures were effective.
 - In August 2003, the Board used a dictation exam that was previously used in November 1996. The August 2003 pass rate was 13.4%, compared a 44.26% pass rate in November 1996.
 - In December 2003, the Board used a dictation exam that was previously used in May 1998. The December 2003 pass rate was 25.9%, compared to a 51.12% passrate in May 1998.

Both prior exam administrations and the more recent administrations used the same readers and the same grading criteria. The only difference between the prior exam results and the more recent exam results were the exam candidates and the reduction of qualifiers from two to one. The Board will be addressing the significance of these different pass rates at future meetings.

Occupational Analysis/Validation:

An OA of the field of reporting and content validation of the CSR examination were performed and completed in a December 2003 report. (Attachment I-L). The results of the recent OA provided validation that the content areas of the CSR examination continue to include the ksa required by a licensee. The OA also updated the content areas for the written portions of the examination. The new content areas for the written portions are pending implementation based on a resource reallocation through a Budget Change Proposal (BCP) request.

16.) Comparison of exam passage rates for all candidates for both a national exam (if applicable) and/or a California state exam(s) if provided: [See Tables Below]

The only nationally-based, entry-level court reporter competency examination is the Registered Professional Reporter Examination (RPR) administered by the National Court Reporters Association (NCRA). NCRA does not break out test results of applicants from individual states.

There are significant differences between the national RPR exam and California's CSR exam in the areas of exam development, construction and administration. These differences do not allow for a statistically accurate comparison of the pass rates for these exams.

California CSR:

- The dictation portion of the California court reporters examination is a ten-minute dictation exercise of four people speaking “live” for ten minutes at 200 words per minute, which must be transcribed at a minimum accuracy of 97.5%.
- As noted earlier in this report, the California court reporter exam includes two written portions, each in a 100-question multiple-choice format. One portion covers knowledge of English grammar, proofreading, spelling, and vocabulary. The second covers legal and medical terminology, ethics, court and deposition procedures, and the knowledge of California statutes, regulations, and rules of court pertaining to court reporting.

National RPR:

- The practical (dictation) portion of the RPR examination consists of three different tests that can be administered with a prerecorded audio tape. The tests consist of literary material at 180 words per minute, jury instructions at 200 words per minute, and question and answer (testimony) at 225 words per minute – each of which is five minutes in length and each of which must be transcribed at a minimum accuracy of 95% (the equivalent of twice as many errors allowed as California's 97.5% minimum requirement). All three of the RPR dictation exams must be passed as a condition for RPR certification.
- In addition to the skills portion of the RPR, there is also one written examination. This exam tests for knowledge of the English language, vocabulary, legal and medical terminology, and a general knowledge of court and deposition procedures in a 100-question multiple-choice format.

REGISTERED PROFESSIONAL REPORTER EXAMINATION				
YEARS	NATION-WIDE		CALIFORNIA ONLY	
	TOTAL	PASSAGE	TOTAL	PASSAGE
2000/01	3532	17.6%	This is not available. The NCRA does not report pass rates by states	
2001/02	3331	14.6%		
2002/03	2890	13.6%		
2003/04	2675	13.2%		
*NOTES Source: NCRA “RPR/RMR/RDR/CRR/CLVS Comparative				

[CERTIFIED SHORTHAND REPORTER]				
	2000/01	2001/02	2002/03	2003/04
CANDIDATES	454	523	493	570
PASS %	34%	34%	21%	19%
NOTE: Pass rate for all three portions of exam				

17.) Discuss any increase or decrease in average time to process applications, provide exam and issue license. [See Table Below]

The Board has actively worked to reduce the timeline for processing applications and issuing licenses. The Board voted in FY 2002/03 to reduce the filing deadline for applications from 45 to 30 days (B&P Code Sec. 8022, B&P Committee). Applicants who file their license application and fee can receive their license number via telephone and begin working earlier than the timelines outlined below.

AVERAGE DAYS TO RECEIVE LICENSE	FY 2000/01	2001/02	FY 2002/03	FY 2003/04
Application to Examination	45 Days	45 Days	45 Days	30 Days
Examination to Issuance*	45 Days	45 Days	45 Days	45 Days
Total Average Days	90 Days	90 Days	90 Days	75 Days

*This date is based on a license application/fee separate from exam notification results. The license applicant can reduce this processing timeframe through a timely filing of the license application.

Continuing Education/Competency Requirements

18.) Discuss briefly: changes made by the Board since last review to assure competency. How does the Board verify CE or other competency requirements?

The Board does not currently have a continuing education requirement for license renewal. Due to the numerous changes to multiple statutory codes impacting the reporters duties and the legal profession, the Board considers continuing education an invaluable tool to ensure licensee competency. The Board will be reviewing the merits of continuing education at future meetings.

Comity/Reciprocity with Other States

19.) Discuss briefly: temporary licensing process, or any other methods used to facilitate licensing of those from other states or foreign countries. Any anticipated changes or changes made since last review?

The Board has proposed legislation (SB 1914 Figueroa) to allow a temporary license to be issued pending successful exam completion. The Board has reviewed other alternatives such as reciprocity/temporary license. Question #6 above, under Provisional Licensing Task Force, identifies the review conducted recently by the Board on this subject.

Enforcement Program Overview

20.) Discuss statistics in enforcement data. What is the source of most of the complaints? Are there some unique reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report any judgments taken against the licensee. Any current problems with Board's receiving relevant complaint information or obtaining information for investigation purposes? What are the largest number and type of complaints filed (incompetence, unprofessional conduct, etc.)? Explain which type of cases are being stipulated for settlement. Any significant changes since last review (increases or decreases)?

Complaints are filed to the Board at its Sacramento office through a letter or the completion of a complaint form. All formal complaints must be in writing so that the Board can review both sides of the issue, determine jurisdiction, and develop an investigatory file (as needed). The primary source of complaints is from court reporting firms, the public or the courts. The Board also receives information from licensees concerning expired licenses.

Complaints from court reporting firms generally regard a dispute as to when a transcript is due (timeliness of reports). Consumers generally complain if they think there is a discrepancy between the transcript and court proceedings, or if they are overcharged for a transcript.

There are no requirements for local officials or organizations, or other professionals to report violations, or for civil courts to report any judgments taken against a licensee.

Discipline can include actions from issuing a warning letter to filing an accusation with the Attorney Generals (AG) Office. The majority of filings with the AG are based on unprofessional conduct because a reporter is not adhering to laws, regulations and/or court rules. Cases stipulated for settlement have been for unprofessional conduct.

The complaint statistics show a slight decrease in the referring of cases to the AG's office, primarily due to the Board's proactive stance to mediate complaints as early as possible. For less egregious violations, a warning letter or citation and fine can produce the same level of compliance as a formal hearing. This allows licensees to continue working on a continuous basis without the delays associated with the hearing process.

ENFORCEMENT ACTIVITY

ENFORCEMENT DATA	2000/01	2001/02	2002/03	2003/04
Inquiries¹	Total: 1449	Total: 1253	Total: 2106	Total: 1351
Complaints Received (Source)	Total: 122	Total: 109	Total: 177	Total: 257
Public	60	63	82	75
Licensee/Professional Groups	26	6	13	21
Governmental Agencies	21	16	64	133
Other	15	24	18	28
Complaints Filed (By Type)	Total: 114	Total: 93	Total: 177	Total: 257
Competence/Negligence	9	0	36	27
Unprofessional Conduct	83	77	121	206
Fraud	2	0	0	0
Health & Safety	0	0	0	0
Unlicensed Activity	13	15	16	22
Personal Conduct	7	1	4	2
Complaints Closed	Total: 114	Total: 93	Total: 171	Total: 247
Investigations Commenced	Total: 2	Total: 1	Total: 0	Total: 1
Compliance Actions	Total: 41	Total: 37	Total: 54	Total: 49
ISOs & TROs Issued	0	0	0	0
Citations and Fines	20	18	20	22
Public Letter of Reprimand	NA	NA	NA	NA
Cease & Desist/Warning ²	21	19	41	35
Referred for Diversion	0	0	0	0
Compel Examination	0	0	0	0
Referred for Criminal Action	Total: 0	Total: 0	Total: 0	Total: 0
Referred to AG's Office	Total: 5	Total: 4	Total: 3	Total: 1
Accusations Filed	2	2	1	1
Accusations Withdrawn	0	0	0	0
Accusations Dismissed	0	0	0	0
Stipulated Settlements	Total: 1	Total: 2	Total: 2	Total: 1
Disciplinary Actions	Total: 4	Total: 4	Total: 3	Total: 2
Revocation	1	2	1	1
Voluntary Surrender	0	0	0	0
Suspension Only	0	0	0	0
Probation with Suspension	0	0	0	1
Probation	3	2	2	0
Probationary License Issued	0	0	0	0
Probation Violations	Total: 0	Total: 0	Total: 0	Total: 0
Suspension or Probation				
Revocation or Surrender				

¹ FY 2000/01 through 2001/02 not all items tracked. FY 2003/04, calls concerning legal interpretations and procedural issues eliminated.

² FY 2001/02, 1 cease and desist order issued to school; FY2002/03, 7 warning letters issued to schools. FY 2003/04, 8 warning letters issued to schools.

21.) Discuss what percentage of complaints are referred for investigation, then to accusation, and end up having some disciplinary action taken. What overall statistics show as to increases or decreases in disciplinary action since last review. (Last review doesn't have enforcement data) [See Table Below]

A very small percent of complaints are actually referred to a formal investigation. Whenever possible and appropriate, the Board attempts and resolves cases through mediation. Mediation saves time and money, results in a quicker resolution for both parties, and allows the licensee to continue practicing. Most licensees are cooperative once the Board outlines the penalties for noncompliance.

When a licensee does not cooperate or the complaint warrants a more thorough background investigation, the case is referred to an investigator to gather facts. The investigator reviews court records, business records and/or conducts personal interviews, as needed.

While the table below shows an increase in the number of complaints, it might, in fact, not be representative of whether there was actually an increase. Prior to the 2001/2002 fiscal year, there was no formal process of tracking complaints, and, therefore, there is no way to know how many actual complaints were filed. Complaints were taken via phone or email without documentation. Complaints are now required to be in writing to allow the Board to thoroughly research, track and respond to the specific complaint.

In the chart below, in 2002/03, zero cases were referred to investigation because the Board was able to obtain sufficient documentation from the courts to refer the matter to the Attorney General's office without a formal investigation.

NUMBER AND PERCENTAGE OF COMPLAINTS DISMISSED, REFERRED FOR INVESTIGATION, TO ACCUSATION AND FOR DISCIPLINARY ACTION				
	2000/01	2001/02	2002/03	2003/04
COMPLAINTS RECEIVED	122	109	177	257
Complaints Closed	114	93	171	247
Referred for Investigation	2	1	0	1
Accusation Filed	2	2	1	1
Disciplinary Action	4	4	3	2

Case Aging Data

22.) Discuss time frames for processing complaints, investigation of cases, from completed investigation to formal charges being filed, and from filing of the accusation to final disposition of the case. Discuss if any changes from last review. [See Table Below]

The time frames from 2002/03 fiscal year were due to an accounting requested from DOI of outstanding cases. Since January 2002, the Board has limited referrals to DOI by becoming more proactive in obtaining this information internally, via personal contacts with the courts or other businesses to receive official records.

As required by law, the Board reviews the complaint for jurisdictional issues and sends to the complainant within 10 days an acknowledgement letter for receipt of the complaint. Staff considers the contents of the complaint to verify that there is sufficient data to review the merits of the complaint. If the complaint has sufficient information for followup, a letter is sent to the licensee explaining the nature of the complaint, and asking the licensee to respond in writing within 15 days.

If the licensee fails to respond in writing, a second letter is sent requesting a response within 10 days. If the licensee is a court official, the court is contacted to assist in resolving the issue, which has proven successful. If the licensee is a freelance reporter, the last hiring firm is contacted to obtain additional contact information regarding the licensee. Both of these methods have proven effective in obtaining contacts for licensees, resulting in no referrals to DOI for followup information. The Board has no problem with case aging, the data below reflects information requested on old cases that were identified as open.

AVERAGE DAYS TO PROCESS COMPLAINTS, INVESTIGATE AND PROSECUTE CASES				
	2000/01	2001/02	2002/03	2003/04
Complaint Processing	42	50	42	29
Investigations	470	365	730	90
Pre-Accusation*	Not available	Not available	Not available	Not available
Post-Accusation**	Not available	Not available	Not available	Not available
TOTAL AVERAGE DAYS***	Not available	Not available	Not available	Not available
*From completed investigation to formal charges being filed.				
**From formal charges filed to conclusion of disciplinary case.				
***From date complaint received to date of final disposition of disciplinary case.				

23.) Discuss time frames for closing of investigations and AG cases over past four years, and average percentage of cases taking over 2 to 4+ years, and any decreases or increases in the percentage of cases being closed each year. Discuss any changes from last review. [See Table]

There have been no changes to case aging data since the last Sunset Review. The Board maintains a high visibility with its AG liaison through telephone calls and regular formal meetings. These meetings are also used to address trends in the reporting field, new developments on case processing and to plan/review workload in concert with any updates to the Board's strategic planning.

INVESTIGATIONS CLOSED WITHIN:	FY 2000/01	FY 2001/02	FY 2002/03	FY 2003/04	AVERAGE % CASES CLOSED
90 Days	1	0	0	1	22%
180 Days	1	0	0	0	11%
1 Year	1	1	0	0	22%
2 Years	3	0	1	0	44%
3 Years	0	0	0	0	0
Over 3 Years	0	0	0	0	0
Total Cases Closed	6	1	1	1	
AG CASES CLOSED WITHIN:	FY 2000/01	FY 2001/02	FY 2002/03	FY 2003/04	AVERAGE % CASES CLOSED
1 Year	0	0	3	3	75%
2 Years	0	0	2	0	25%
3 Years	0	0	0	0	0
4 Years	0	0	0	0	0
Over 4 Years	0	0	0	0	0
Total Cases Closed	0	0	5	3	
Disciplinary Cases Pending	0	0	2	0	

Cite and Fine Program

24.) Discuss the extent to which the Board has used cite and fine authority. Discuss any changes from last review and last time regulations were updated. [See Table Below]

In 1991, the Board adopted citation and fine regulations, which can be found in Title 16, California Code of Regulations, section 2480, revised in 1997 and in B&P Code 8027.5. The Board has not issued cite and fines to schools, but the Board has developed a new school performance criteria and has issued 15 warning letters to schools over a two year period. The maximum fine for citations for all Boards/Bureaus was statutorily increased from \$2,500 to \$5,000 effective January 1, 2003. (The Department of Consumer Affairs has taken a lead role in working with Boards to consider regulatory language authorizing this higher level. The Board will be reviewing their recommendations at future Board meetings.)

The conditions under which licensees have been issued a citation and assessed a fine include:

- repeated unexcused failure to transcribe notes of cases
- unprofessional conduct
- unlicensed activity (working with an expired license)

The Board continues to monitor licensee activity, and cites and fines licensees as circumstances warrant. Since 2002, there has been a general shift from issuing citations

on first-time offenses to issuing warning letters. Although the chart does not track the issuance of individual warning letters, the Board's records indicate that the individual warning letters have produced the same level of compliance as the previously issued citations process for CSRs. Since 2002, there have not been subsequent complaints against licensees who had previously been issued a warning letter. The table below shows the number of citations issued and fines assessed and collected over the last four years:

CITATIONS AND FINES	FY 2000/01	FY 2001/02	FY 2002/03	FY 2003/04
Total Citations	20	18	20	22
Total Citations With Fines	20	18	17	13
Amount Assessed	\$21,680	\$18,750	\$20,750	\$14,500
Reduced, Withdrawn, Dismissed	\$19,430	\$10,750	\$10,500	\$ 5,000
Amount Collected	\$12,410	\$10,250	\$13,500	\$ 5,250

Diversion Program (If Applicable)

25.) Discuss the Board's diversion program, the extent to which it is used, the outcomes of those who participate, the overall costs of the program compared with its successes. [See Table Below]

The Board does not have regulatory authority for a diversion program.

Results of Complainant Satisfaction Survey

26.) Discuss the results of the Survey. [See Table Below]

In 2000, out of 38 Consumer Satisfaction Survey forms mailed requesting information, nine (24% of those mailed) responded. The average level of satisfaction in all categories was 57%.

In 2001, of 37 surveys mailed, only six (16% of those mailed) responded. Only three out of six persons answered in each category, with an overall 59% satisfaction rate. But because of the low response and answer rates, it is not very useful information.

In 2002, out of 34 surveys mailed, 12 (35% of those mailed) responded. The average satisfaction rate was 60.7%.

In 2003, out of 34 surveys mailed, eight (24% of those mailed) responded. There was a 65% average rate of satisfaction.

The consistent increase each year in the average satisfaction rate (57%, 59%, 60.7%, 65%) could be due to continuing efforts the new Board has been making over the past few years to improve consumer education and service. See Attachment I-Q for survey form.

CONSUMER SATISFACTION SURVEY RESULTS*				
YEAR	2000	2001	2002	2003
# Surveys Mailed:	38	37	34	34
# Surveys Returned:	9	6	12	8
QUESTIONS	Percent Satisfied by Calendar Year			
1. Were you satisfied with knowing where to file a complaint and whom to contact?	60%	60%	60%	60%
2. When you initially contacted the Board, were you satisfied with the way you were treated and how your complaint was handled?	50%	60%	65%	73%
3. Were you satisfied with the information and advice you received on the handling of your complaint and any further action the Board would take?	60%	60%	60%	73%
4. Were you satisfied with the way the Board kept you informed about the status of your complaint?	60%	53%	55%	60%
5. Were you satisfied with the time it took to process your complaint and to investigate, settle, or prosecute your case?	60%	66%	60%	60%
6. Were you satisfied with the final outcome of your case?	55%	50%	60%	60%
7. Were you satisfied with the overall service provided by the Board?	55%	66%	65%	70%
Average rate of satisfaction for all questions:	57%	59%	60.7%	65%
<p>*All boards and committees under review this year shall conduct a consumer satisfaction survey to determine the public's views on certain case handling parameters. (The Department of Consumer Affairs currently performs a similar review for all of its bureaus.)</p> <p>A list of seven questions has been provided. Each board or committee shall take a random sampling of closed complaints and disciplinary actions for a <u>four year period</u>. Consumers who filed complaints should be asked to review the questions and respond to a 5-point grading scale (i.e., 5, 4, 3 =satisfied to 1, 2 =dissatisfied). The board or committee shall provide the percent of satisfaction for each of the past four years.</p>				

***Not all respondents answered all questions.**

ENFORCEMENT EXPENDITURES AND COST RECOVERY

Average Costs for Disciplinary Cases

27.) Discuss the average costs incurred by the Board for the investigation and prosecution of cases, and which type of cases average more than others. Explain if the Board is having any difficulty in budgeting for Prosecution and Hearing costs, and whether cases may have been delayed because of cost overruns. [See Tables on Next Page]

The average cost per case investigated may not reflect the true costs, as the number of cases closed for that fiscal year may not reflect the actual case cost until the following fiscal year. The same holds true for the number-of-cases-referred statistics for the Attorney General's office.

The average costs of cases varies depending on the amount of time taken through the actual hearing process, i.e., Administrative Law Judge (ALJ) and Attorney General resources needed to prepare, conduct and write up the reports. The FY 2001/02 increase was due to an appeal of an ALJ decision that was ultimately granted in the District Court of Appeals. The FY 2003/04 increase was due to an extensive all-day hearing and subsequent write-up/determination by the ALJ. The Board does not have a problem with budgeting for cases or with case delay. The Board maintains an active communication with the Attorney General's office to ensure that information is shared accurately and timely.

AVERAGE COST PER CASE INVESTIGATED	FY 2000/01	FY 2001/02	FY 2002/03	FY 2003/04
Cost of Investigation & (All) Experts	\$ 904	\$ 9,465	\$ 9,232	0
Number of Cases Closed	6	1	1	1
Average Cost Per Case**	\$ 151	\$ 9,465	\$ 9,232	0
AVERAGE COST PER CASE REFERRED TO AG	FY 2000/01	FY 2001/02	FY 2002/03	FY 2003/04
Cost of Prosecution & Hearings**	\$ 26,608	\$ 69,885	\$ 20,124	\$ 29,355
Number of Cases Referred	5	4	3	1
Average Cost Per Case	\$ 5,322	\$ 17,471	\$ 6,708	\$ 29,355
AVERAGE COST PER DISCIPLINARY CASE	\$ 5,502	\$ 19,837	\$9,785	\$29,355
* Costs may be rolled into subsequent fiscal years.				
* * Costs reflect amounts billed by DOI				

Cost Recovery Efforts

28.) Discuss the Board's efforts in obtaining cost recovery. Discuss any changes from the last review. [See Table Below]

The Board's policy is to request cost recovery in every instance where the case merits recovery and is ordered by the ALJ. The "Amount Collected" row in the chart below may contain dollar amounts including costs recovered from a previous year. As the chart reflects, in those cases where the recovery is ordered, the Board has been successful in collecting those amounts.

COST RECOVERY DATA	FY 2000/01	FY 2001/02	FY 2002/03	FY 2003/04
Total Enforcement Expenditures	\$30,012	\$81,350	\$45,261	\$32,405
# Potential Cases for Recovery*	1	1	0	1
# Cases Recovery Ordered	1	1	0	1
Amount of Cost Recovery Ordered	\$ 4,500	\$ 4,521	0	\$ 4,788
Amount Collected	\$5,450	\$ 3,000	\$ 2,957	\$ 2,259
*The "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on a violation, or violations, of the License Practice Act.				

RESTITUTION PROVIDED TO CONSUMERS

29.) Discuss the Board's efforts in obtaining restitution for the individual complainant, and whether they have any formal restitution program and the types of restitution that the Board attempts to collect, i.e., monetary, services, etc. Discuss any changes from last review. [See Table]

There is no statutory authority for Board-ordered restitution. However, the Board has maintained a proactive stance in assisting consumers in receiving money owed to them. The claims are based on fees charged by official court reporters for transcripts, which are regulated by law in Government Code 69950. There are no statutory fee requirements for work performed in a deposition or hearing setting by a "freelance" reporter.

RESTITUTION DATA	FY 2000/01	FY 2001/02	FY 2002/03	FY 2003/04
Amount Ordered	Not applicable	Not applicable	Not applicable	Not applicable
Amount Collected	Unknown	\$185	\$258	\$522

COMPLAINT DISCLOSURE POLICY

30.) Briefly describe the Board's complaint disclosure policy. At what point in the disciplinary process is information made available to the public concerning the licensee and what type of information is made available? Does the Board have problems obtaining particular types of information? [See Table Below]

The complaint disclosure policy is set by Business and Professions Code 8010. It provides that information regarding a complaint against a specific licensee *not* be disclosed to the public until the Board has filed an accusation and the licensee has been notified of the filing of the accusation against his or her license. (Complaint process is on Board's website).

This does not apply to citations, fines, or orders of abatement, which are disclosed to the public upon notice to the licensee. These are also posted on the Board's website. The Board does not have problems obtaining information.

INFORMATION PROVIDED TO THE PUBLIC?

TYPE OF INFORMATION PROVIDED	YES	NO
Complaint Filed		X
Citation	X	
Fine	X	
Letter of Reprimand		X
Pending Investigation		X
Investigation Completed		X
Arbitration Decision	Not applicable	
Referred to AG: Pre-Accusation		X
Referred to AG: Post-Accusation	X	
Settlement Decision	X	
Disciplinary Action Taken	X	
Civil Judgment	Not applicable	Not applicable
Malpractice Decision	Not applicable	Not applicable
Criminal Violation*: Felony Misdemeanor	X	

*Only criminal convictions in which the Board was a party to the action would be disclosed.

**CONSUMER OUTREACH, EDUCATION AND
USE OF THE INTERNET**

31.) Discuss what methods are used by the Board to provide consumer outreach and education.

In 2001, the Board established a Community Outreach Subcommittee that has become active in and developed outreach through:

- developing a model high school presentation to be used by professional associations to describe the profession of court reporting at career days
- participating as career advisors for court reporters at the statewide Mock Trial/Moot Court competitions
- developing a press kit and fact sheet concerning the career of court reporting
- updating the Board's consumer brochure, "Things You Should Know and Consider"
- reviewing the feasibility of a joint association/school/industry/Board career video

The Board had limited opportunities for formal meetings of the subcommittee during the last fiscal year because of budgetary constraints, but continues to act as a conduit to notice the profession of student/career counseling needs. The subcommittee continues to solicit information through its individual membership to identify to the Board about outreach opportunities.

Individual Board members and the Executive Officer continue to participate in:

- association meetings
- speaking to local high school events
- attending court reporting school openings and Board meetings
- identifying opportunities to the news media for careers in reporting.

32.) Discuss whether the Board offers online information to consumers about the activities of the Board, where and how to file complaints, and information about licensees, or believes it is feasible/appropriate to do so.

The Board's website at www.courtreportersboard.ca.gov, provides updated information concerning activities of the Board, where and how to file complaints, and information about licensees, as well as providing updated information about the schools of court reporting.

33.) Discuss whether the Board conducts online business with consumers/licensees, or believes it is feasible/appropriate to do so.

As outlined above, the Board provides online information to consumers, licensees and potential licensees. The Board takes advantage of any opportunity to streamline operations and provide more efficient service to consumers and will move forward with online programs as they are studied and found to be feasible and appropriate.

34.) Discuss whether the Board offers online license information and applications (initial and renewal licenses, address changes, etc.), or believes it is feasible/appropriate to do so.

The Board provides the history and status of licenses online. Exam applications and other forms can be downloaded from the Board's website. Address changes can be made via email directly to the Board staff. Complaints can be made on line.

35.) Discuss whether the Board offers online testing/examination services for both initial and renewal licenses, or believes it is feasible/appropriate to do so.

The Board continues to explore the feasibility of online testing/examination services through its annual strategic planning sessions, in concert with resource allocations.

36.) What streamlining of administrative functions would be necessary if the above services and information was provided via the Internet?

It is unknown at this time what services could be streamlined.

37.) Please describe if there are other ways use of the Internet by the Board could improve services to consumers/licensees.

The Board is exploring providing written practice exams on the Internet. The Board is also reviewing the opportunity to audiostream a dictation exercise on its website.

38.) Discuss what types of practices are increasingly occurring outside California's traditional "marketplaces" that fall under the jurisdiction of your Board.

- Out-of-state firms/schools/individuals providing court reporting classes, i.e., "learn court reporting at home", via home study/Internet as a basis to qualify for the Board's CSR examination.
- The taking of Internet depositions is growing.

39.) Discuss what type of challenges the Board faces with respect to online advice "practice without presence," privacy, targeted marketing, and other issues.

The widespread use of electronic transmission of court and deposition transcripts poses significant challenges to protect the integrity and confidentiality of the record. The inadvertent release by an out-of-state reporter of the name of the accuser in a recent rape case (in an e-mail) illustrates how easily mistakes are made with significant negative consequences.

The Board has identified two primary concerns: preventing the undetected alteration of transcripts transmitted electronically and preventing unauthorized access to transcripts either during transmission or when in storage. Although several vendors have demonstrated systems designed to prevent these problems, the Board has not received indications of either type of event occurring within its jurisdiction; however, it continues to actively monitor developments in the abuse of technology and its prevention.

40.) Discuss whether the Board has any plans to regulate Internet business practices or believes there is a need to do so.

The Board has not yet discussed the need or possibility of regulating Internet business practices.

PART 2.**COURT REPORTERS BOARD****BOARD'S RESPONSE TO ISSUES IDENTIFIED
AND FORMER RECOMMENDATIONS MADE BY THE
JOINT LEGISLATIVE SUNSET REVIEW COMMITTEE**

ISSUE #1. (CONTINUE REGULATION OF THE PROFESSION?) Should the licensing and regulation of Court Reporters be continued?

Recommendation #1: The Joint Committee and the Department recommends continued state regulation of court reporters.

Court reporters provide an essential and highly skilled service to the judicial system. Ongoing regulation is necessary to protect the public and ensure proper judicial review of court proceedings. Given the importance of court reporters to the legal profession, the Joint Committee and the Department recommends that court reporters continue to be regulated.

BOARD RESPONSE:

The Board concurs with the Committee and the Department's recommendation to continue the licensing and regulation of Court Reporters in order to continue protecting consumers and ensuring accurate and timely records of judicial proceedings.

ISSUE #2. (CONTINUE WITH THE BOARD?) Should the Board be continued, or its role be limited to an advisory body and the remaining functions be transferred to the Department?

Recommendation #2: The Joint Committee and the Department recommends retaining the Board as the governing structure for regulation of the court reporting profession.

BOARD RESPONSE:

The Board concurs with the Committee and the Department's recommendation that the Board should be continued as the governing structure for regulation of the court reporting profession.

ISSUE #3. (DO APPLICANTS FOR LICENSURE RECEIVE THE APPROPRIATE TRAINING AND EXPERIENCE TO SIT FOR THE BOARD'S EXAMINATION?) The examination provided by the Board to applicants for licensure has a history of both inconsistent and very low passage rates. It is unknown whether this is due to inadequate school-based training, lack of qualifying work experience, or other alternative methods to licensure which may not adequately prepare applicants to sit for the Certified Shorthand Reporter examination.

Recommendation #3:

The Joint Committee and the Department recommends that the Board conduct an analysis of the exam passage rate, relative to the different licensing pathways, to determine which candidates are better prepared for the state examination. This should provide evidence of whether court reporter schools are adequately preparing students to pass the licensing examination, or whether other requirements for licensure may have to be changed.

BOARD RESPONSE:

The Board administers one exam in three parts: two written portions-- English and Professional Practice, and a Dictation/Transcription portion. In order to pass the exam and become licensed, a candidate must pass all three portions of the exam.

There are five pathways to qualify to take California's CSR exam:

- Complete a court reporting school course of study,
- Hold the Registered Professional Reporter (RPR) or higher designation from the National Court Reporters Association (NCRA),
- Hold a license/certificate as a court reporter in another state with comparable licensing requirements,
- Have one or more years (1400 hours) of verified experience as a working court reporter
- Have passed the State of California Hearing Reporter Civil Service Examination. (None of the candidates over the last four years qualified through this method, so there is no statistical data available for this pathway).

The Board is required to publish pass rates for first-time examinees. (B&P Code 8027(i)). In addition to the required first-time pass rates, the Board publishes pass rates of all who take each exam. It would not be accurate to use the pass rate of "all" examinees for reporting purposes because, in many instances, those rates reflect retakes by one individual, not the actual number of "individuals" who passed or did not pass the exam. It is unknown how many times a specific candidate retakes any portion of the examination.

In all, the Board administered 2,040 examinations over the past four years. Of those,

- a) 1,748 (85.6%) were recent (within five years) court reporting school students,
- b) 133 (6.5%) were working reporters,
- c) 74 (3.6%) were RPR (national exam) certificate holders,
- d) 23 (1%) held a license or certificate from out of state (Georgia, Nevada and Texas) (70% average pass rate),

NOTE: 539 (26.4%) were people from the above pathways taking the CSR exam for the first time.

The chart in Attachment # II-B gives additional information on pass rates for all examinees for each method of qualifying.

The chart below and Attachment # II-A show pass rates for first-time examinees.

**Number & Percent of First-time Examinees from Each Pathway and Pass Rates
Nov. 2000 - Mar. 2004 Exams**

	Pathways to qualify for Calif. CSR Exam	Number Taking Exam	% of First-time Examinees	Number Passed	Average Pass rate percentage
a)	Court Reporting Students	446	83.0%	119	27%
b)	Working Reporters	40	7.4%	11	28%
c)	RPR	40	7.4%	18	45%
d)	Out of State	13	2.4%	8	62%
	Total # taking exam	539	100%	156	29%

Court Reporting Students

Since an average of 83% of first-time exam candidates qualify through schools, the Board has analyzed school data. The Board conducted school reviews to determine if there is any correlation between a school's regulatory compliance and/or coursework requirements and student pass rates. Of the six schools reviewed to date³, data reflects that school compliance had no impact on student pass rates. In fact, one of the schools that did not meet part of the requirements had the highest student pass rate for the same period reviewed.

The Department of Finance (DOF) review reflects that certain schools have a higher pass rate than other schools; that students from private schools, on the whole, have higher pass rates than students from public schools, and that for schools with a high pass rate, if a person is going to pass the exam, the probability is high that they will pass on the first attempt. (Attachment # II-C)

According to a study completed by the DOF in 2002, there appears to be no correlation between pass rates and the length of time students spend in school. See "Comparison of Passing Rates to Length of Time to Graduate for Full-time Students", Attachment # II-C.

Working Reporters

Working reporters totaled only 40 examinees (7.4% of the total) over four years, and has only a 28% average pass rate. Due to the limited number of candidates in this category, it is statistically difficult to produce any valid comparisons with the court reporting student pathway.

RPR

The second largest category, the RPR certificate holders represented 7.4% of total examinees (40 people over four years). As pointed out in the comparison chart for National RPR pass rates and California's CSR pass rates (Pt. 1, #16), there is a basic difference between the entry requirements for the exams and fundamental differences between the exams itself. Due to the limited number of candidates in this category, it is statistically difficult to produce any valid comparisons with the court reporting student pathway.

³ Public Schools: Argonaut, Downey, Oceanside, TriCommunity; Private Schools: Humphreys, CRI

Out of State

Due to the limited number of candidates in this category, it is statistically difficult to produce any valid comparisons with the court reporting student pathway.

Other Information

The Board sought legislation (SB1244, Figueroa) to change the exam entrance requirements that required all schooling/experience to be within the five years immediately preceding the date of the application (B&P 8020). After passage of this bill, the Board sent a special mailing to former applicants who had been screened out of the exam because their schooling/experience was more than five years old. The Board also posted the information on the website, and asked associations to notify their membership of this important new change to the exam entrance requirements. 62 (3%) were people who qualified under the five-plus category (eligible since the March 2003 exam),

Starting with the March 2003 exam, (for the past three exam cycles) an average of 18% (11 out of 62) in this group passed the test on the first attempt. Although this law has resulted in additional licensees, the passrate of this group is significantly lower than the pass rate of the students (27%).

The Board also undertook a Dictation Examination Exit Survey to assist the Board in further determining whether the inconsistent and low pass rates were due to deficiencies in the actual administration of the exam. The surveys were conducted in December 2003 and July 2004. 86% of the examinees answering the survey believed the exam dictation speed was appropriate and 90% believed that the readers spoke clearly. However, the pass rates for these exams were only 27% and 17% respectively.

The appropriateness of the time for warm-up category on this survey did provide sufficient data to analyze. 70% of the respondents believed the 10-minute warm-up period was an appropriate amount of time, 28% believed it was too short. As a result of the survey feedback, the Board will consider different methodologies to address this category. (See Attachment I-H)

Findings

- There is insufficient statistical data to date to provide a meaningful comparison relative to the pathways to licensure; however, the Board will continue to gather data that will allow for such analysis
- Individual school performance reviews do not equate to a higher/lower passrate
- In spite of low pass rates, student surveys demonstrate that individuals feel prepared for the examination and feel the exam itself is appropriate to the profession.

Conclusion

There are no clear indications that pathways other than court reporting school are preparing individuals better for licensure. Because applicants are mostly from schools (86%), there is not enough data on other pathways to arrive at any meaningful conclusion. The Board will continue to explore the differences in pass rates between schools, i.e., private vs. public to determine if individual programs provide any more conclusions to the pass rate issue.

ISSUE #4. (IMPROVE OVERSIGHT OF COURT REPORTER SCHOOLS?) The Board indicated that it has very limited authority over court reporting schools, and believes that better coordination is needed with the Bureau for Private Postsecondary and Vocational Education (Bureau) which has approval authority over the school's operations. This is untrue. The Board's regulatory authority with respect to all schools and instructors is quite clear. Thus, it would appear that the Board needs to be more aggressive in its application of its existing authority. However, given the Bureau's expertise with school oversight, better coordination of the activities of the Board and the Bureau may be appropriate.

Recommendation #4: The Joint Committee and the Department recommend supporting the current effort to coordinate the activities of both the Board and the Bureau by entering into a Memorandum of Understanding (MOU). The Legislature should also consider making court reporter school training schools subject to the course completion and placement requirements that currently apply to other training schools subject to Bureau jurisdiction.

BOARD RESPONSE:

As the Committee and the Department recommended, the Board entered into an MOU with the Bureau of Private Postsecondary and Vocational Education in 2002. Attachment # I-C. In addition to the MOU, the Board contracted with a school education consultant and the Department of Finance Audit staff to:

- determine the impact of new legislative mandates on schools of court reporting
- develop a model school performance review audit standard for Board school reviews, Attachment # II-D
- conduct inspections of public and private schools for compliance
- relay the results of those inspections for Board action.

The Board reviewed the reports from the inspections and is compiling individual action requests to the schools to ascertain that issues identified from the inspections are being resolved. Based on the results of this feedback, additional action may be taken. Since the last review, the Board has taken the following actions regarding schools:

- conducted six performance reviews
- issued 15 warning letters (over a two-year period)- issues were resolved
- issued one order to Cease and Desist to a school for a rule violation
- approved one provisional recognition for a new School of Court Reporting
- participated in one school relocation grand opening and one new school grand opening
- assisted students in obtaining placement and transcripts from a bankrupt school.

The Legislature considered making court reporting training programs subject to the same completion and placement standards as contained in the Maxine Waters Student Protection Act at the time that it was enacted. At that time, the legislature decided that programs greater than two years in length and that met certain other requirements should be exempted from the completion and placement standard applied to programs of a shorter duration. Most, if not all, court reporting programs in the state meet all of the requirements for an exemption to this act.

Findings

- The Board continues to interact with the Bureau in sharing information relative to school reviews.
- The Board is proactive in responding to student complaints/inquiries.
- The Board is monitoring school performance.

Conclusion

The Board has been more aggressive in its application of its existing school oversight authority.

ISSUE #5. (SHOULD OTHER CHANGES BE MADE TO IMPROVE COURT REPORTER EDUCATION AND THE BOARD'S EXAMINATION?) The Board made a number of other recommendations to improve court reporting education and the passage rate of its examination.

Recommendation #5: The Board should implement recommendations made to the Joint Committee and Department for increasing the exam passage rate and improving court reporter education.

Board Response:

Following are recommendations the Court Reporters Board made to the Joint Committee and Department during last Sunset Review, and actions the Board has taken for each recommendation.

- **Recommendation:**
Offer the English and Professional Practice portions of the exam on computer each quarter at testing centers in numerous locations around the state.
Action:
The Board considered this option in the last few years. At the initial point where the resources may have been available, the test vendor contract was up for renewal, and the Department of Consumer Affairs was not accepting new Boards. Since that time, the Board's resources have been limited and redirected to develop the school performance criteria. It has also been noted that the Board's applicant client base has diminished to about 600 candidates a year. It has been recommended that a higher volume of applicants is needed to make CBT cost effective. In the meantime, the Board continues to explore all testing technology and has moved its manual testing from two times a year to three times a year and continues to recognize the value of CBT by including it as a future goal in the Board's strategic plan.
- **Recommendation:** Continue to schedule the Dictation and Transcription part of the CSR exam in May and November, but offer it simultaneously both in Northern and Southern California via videoconferencing or other similar technology.
Action: *The Board explored videoconferencing and concluded it is not economically feasible and would increase the Board's costs to ensure security of the exam. The exam is currently offered more frequently - three times per year versus two times a year.*
- **Recommendation:** Seat the dictation readers in standard courtroom seating to recreate a situation that is familiar to most examinees who have taken qualifying exams in CSR schools.
Action: *The Board instituted this change.*
- **Recommendation:** Ensure that there is at least one interruption on every page to page and a half, but not more than three interruptions per page in the dictated transcript in order to clarify parameters.
Action: *The Board instituted this change.*
- **Recommendation:** Redesign the test preparation process and expand the pre-test evaluation to ensure that tests are more uniform in their degree of difficulty.
Action: *The Board instituted this change, and it is ongoing with each exam administration.*

- **Recommendation:** Explore the feasibility of replacing the current fixed pass points on each of the tests with a criterion-referencing methodology that provides for adjustment of a pass point appropriate to the difficulty of each test.
Action: The Board instituted this change. An explanation is in Part I, #15.
- **Recommendation:** Establish a post-exam evaluation process to remove questionable items before grading, and to avoid problems on future exams.
Action: The Board instituted this change, and it is ongoing. (Attachment # II-E)
- **Recommendation:** Complete and implement the results of the occupational analysis planned by the Department's Office of Exam Resources.
Action: The occupational analysis was completed. Full implementation is pending funding authority through the Budget Change Proposal process.
- **Recommendation:** Continue to explore the use of new technologies to streamline the exam application and grading process, and shorten the time to notify examinees of exam results.
Action: The Board has approved the use of new shorthand machines, Computer-Aided Technology and paperless writers for exam candidates. The Board has requested legislation, (SB1914, B&P Committee, Figueroa, enrolled 8/27/2004) that will allow a temporary license, under certain conditions, to be issued on the day of the examination.
- **Recommendation:** Conduct a sound test of examination rooms prior to each Dictation and Transcription exam to test acoustics and install additional loudspeakers if necessary.
Action: The Board has instituted this change and it is ongoing with each exam. The Board also audiotapes each session of the dictation exam, as a backup for the exam validation process for candidate appeals.
- **Recommendation: Continue to survey examinees regarding exam problems and adjust new testing methods if necessary.**
Action: The Board has instituted a post-exam survey to help in detecting exam problems. The results are discussed in Part I, # 6 B.
- **Recommendation:** Offer the CSR exams more frequently than twice a year (at least three times a year) and offer the exam in more locations around California.
Action: The exam is offered three times a year. Selection and decisions about locations is ongoing, pending resource availability.

During the last Sunset Review, the Board made the following recommendations to improve the quality of education at court reporter schools:

1. **Recommendation** Improve oversight at private schools and at public schools by contracting with a knowledgeable consultant.
Action: The Board has instituted this change and it is ongoing.
2. **Recommendation:** Work with the Bureau of Private Postsecondary and Vocational Education (BPPVE) of the Department of Consumer Affairs to develop a process to rate or rank court reporting schools.
Action: Meetings held with BPPVE and other Boards (with school oversight) reflected that a state issued rating/ranking process might introduce legal issues for the Board and/or the

Bureau. The Board has identified the following methods available to all students to assist them in selecting the best school to fit their individual needs:

- A. The Board publishes the pass rate of all schools.
- B. The Board requires each school to distribute the Board brochure outlining such information as school requirements and expected length of time of school program.
- C. The Board's website has a link to the BPPVE website, The ABCs of Choosing a Postsecondary School (Attachment # II-F).

3. **Recommendation:** Work with the BPPVE to develop a process to refine instructor qualifications and school inspection plans, and to improve curriculum.

Action: The Board has an ongoing relationship with the Bureau to coordinate school reviews, analyze findings from school reviews, and respond to student complaints. The Board's Education Subcommittee and educational experts evaluate the court reporting curriculum on an ongoing basis to ensure it is current and valid. The Board contracted with the Department of Finance auditors to codify and establish school inspections pursuant to recently passed legislation.

4. **Recommendation:** Continue researching the possibility that some schools may have “prematurely qualified” students to take the CSR exam.

Action: The Board's school-inspection program found no instance of a student prematurely qualifying to take the CSR exam. The Board has not received any student complaints concerning this issue since the last Sunset Review.

Attachments

Part I

I-A	School Lists
I-B	Organization Chart
I-C	Memorandum of Understanding
I-D	Brochure
I-E	Timestamping
I-F	Strategic Plan
I-G	School Prep Time Survey
I-H	Dictation Exam Exit Survey and Results
I-I	Voicewriting
I-J	Provisional Licensing Task Force
I-K	Firm Licensure Study
I-L	Exam Validation Report (CSR)
I-M	Application for Exam Form 41A-1
I-N	Application for Re-examination Form 41A-4
I-O	Criterion-Referenced Pass Point
I-P	CSR Board Disciplinary guidelines
I-Q	Consumer Survey Form

Part II

II-A	Qualifying Methods – First Timers (Graph)
II-B	Five paths to Qualifying Chart
II-C	Department of Finance Chart
II-D	School Performance Review Criteria
II-E	Test Critique
II-F	ABC's of Choosing (BPPVE)